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The law of transboundary aquifers

Report of the Sixth Committee

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I. Introduction

1. The item entitled "The law of transboundary aquifers" was included in the provisional agenda of the seventy-first session of the General Assembly pursuant to Assembly resolution 68/118 of 16 December 2013.

2. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 18th, 19th and 33rd meetings, on 20 October and on 11 November 2016. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

II. Consideration of draft resolution A/C.6/71/L.22

4. At the 33rd meeting, on 11 November, the representative of Japan, on behalf of the Bureau, introduced a draft resolution entitled "The law of transboundary aquifers" (A/C.6/71/L.22).

5. At the same meeting, the Committee adopted draft resolution A/C.6/71/L.22 without a vote (see para. 7).

6. After the adoption of the draft resolution, the representative of Turkey made a statement in explanation of position.

[1] A/C.6/71/SR.18, A/C.6/71/SR.19 and A/C.6/71/SR.33.

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III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

The law of transboundary aquifers

The General Assembly,

Recalling its resolutions 63/124 of 11 December 2008, 66/104 of 9 December 2011 and 68/118 of 16 December 2013,

Noting the major importance of the subject of the law of transboundary aquifers in the relations of States and the need for reasonable and proper management of transboundary aquifers, a vitally important natural resource, through international cooperation for present and future generations,

Noting also that the provisions of the draft articles on the law of transboundary aquifers have been taken into account in relevant instruments such as the Guarani Aquifer Agreement signed by Argentina, Brazil, Paraguay and Uruguay on 2 August 2010, and the Model Provisions on Transboundary Groundwaters adopted by the sixth Meeting of the Parties to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes on 29 November 2012,

Recognizing that the 2030 Agenda for Sustainable Development[1] includes a goal on ensuring availability and sustainable management of water and sanitation for all,

Noting the establishment of the High-level Panel on Water by the Secretary-General and the President of the World Bank,

Commending the efforts made by the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization in order for the Member States to draw more attention to and to deepen understanding of the draft articles on the law of transboundary aquifers,[2] in particular through organizing a series of training courses on the application of the draft articles as well as compiling an inventory of and evaluating the world's transboundary aquifer systems,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting the comments of Governments and the discussions held in the Sixth Committee at the sixty-third, sixty-sixth, sixty-eighth and seventy-first sessions of the General Assembly on this topic,[3]

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[1] Resolution 70/1.

[2] Resolution 68/118, annex.

[3] See A/C.6/63/SR.16-19 and 26, A/C.6/66/SR.16 and 29, A/C.6/68/SR.16 and 29 and A/C.6/71/SR.18, 19 and 33. See also A/66/116 and Add.1 and A/68/172.

1. *Commends* to the attention of Governments the draft articles on the law of transboundary aquifers annexed to its resolution 68/118 as guidance for bilateral or regional agreements and arrangements for the proper management of transboundary aquifers;

2. *Encourages* the International Hydrological Programme of the United Nations Educational, Scientific and Cultural Organization to continue its contribution by providing further scientific and technical assistance upon the consent of the recipient State and within its mandate;

3. *Decides* to include in the provisional agenda of its seventy-fourth session the item entitled "The law of transboundary aquifers".